

# FEDERAL REGISTER



VOLUME 19

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Washington, Friday, September 17, 1954

## TITLE 7—AGRICULTURE

### Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

#### PART 950—PEACHES GROWN IN UTAH

##### EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1954-55 FISCAL YEAR

Pursuant to the marketing agreement and Order No. 50 (7 CFR Part 950) regulating the handling of peaches grown in the State of Utah, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and upon the basis of the proposals submitted by the Administrative Committee (established pursuant to said marketing agreement and order) it is hereby found and determined that:

§ 950.204 *Expenses and rate of assessment for the 1954-55 fiscal year—*  
(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Administrative Committee, established pursuant to the provisions of the marketing agreement and order (§§ 950.1 to 950.95) to enable such committee to perform its functions, in accordance with the provisions thereof, during the fiscal year beginning May 1, 1954, and ending April 30, 1955, both dates inclusive, will amount to \$3,450.00.

(b) *Rate of assessment.* The rate of assessment, which each handler who first ships peaches shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said marketing agreement and order, is hereby fixed at one and one-half cents (\$.015) per bushel basket of peaches, or an equivalent quantity of peaches in other containers or in bulk, shipped by such handler during said fiscal year.

(c) As used in this section, the terms "handler," "ship," "shipped," "shipments," "peaches," and "fiscal year" shall have the same meaning as when used in said marketing agreement and order.

It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this determination until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that (1) said Administrative Committee

at a meeting held on August 4, 1954, proposed an itemized budget of expenses and a rate of assessment based upon information then available as to production of peaches during the 1954 season and anticipated expenses; (2) necessary supplemental information supporting the proposed budget and rate of assessment was not made available to the Department until September 3, 1954; (3) shipments of peaches from Utah have, since 12:01 a. m., m. s. t., August 15, 1954, been subject to the regulatory provisions of Peach Order 1 (§ 950.304, 19 F. R. 5124) (4) the rate of assessment is, in accordance with the marketing agreement and order, applicable to all fresh peaches shipped during the 1954-55 fiscal year; (5) a large volume of the Utah peach crop is handled by itinerant truckers who do not have permanent addresses in the production area and who operate in the area during only part of the season; and (6) in order to enable the said Administrative Committee to perform its duties and functions under said marketing agreement and order, it is essential that the rate of assessment be fixed immediately so as to permit the prompt collection, especially from the itinerant handlers, of each handler's assessment.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 14, 1954.

[SEAL] ROY W. LEHNHARTSON,  
Deputy Administrator.

[F. R. Doc. 54-7269; Filed, Sept. 16, 1954;  
8:48 a. m.]

[Lemon Reg. 554, Amdt. 1]

#### PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

##### LIMITATION OF SHIPMENTS

*Findings.* 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 18 F. R. 6767) regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative

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## CFR SUPPLEMENTS

(For use during 1954)

The following Supplements are now available:

Title 7: Parts 210-899 (\$2.25)

Title 19, Revised 1953 (\$5.00)

Title 32A, Revised Dec. 31, 1953 (\$1.50)

Title 46: Part 146 to end (\$6.50)

Previously announced: Title 3, 1953 Supp. (\$1.50); Titles 4-5 (\$0.60); Title 6 (\$2.00); Title 7: Parts 1-209, Revised 1953 (\$7.75); Part 900 to end (\$1.25); Title 8 (\$0.35); Title 9 (\$0.50); Titles 10-13 (\$0.50); Title 14: Parts 1-399 (\$1.25); Part 400 to end (\$0.50); Title 15 (\$1.25); Title 16 (\$1.00); Title 17 (\$0.50); Title 18 (\$0.45); Title 20 (\$0.70); Title 21 (\$1.50); Titles 22-23 (\$1.00); Title 24 (\$0.75); Title 25 (\$0.45); Title 26: Parts 1-79, Revised 1953 (\$7.75); Parts 80-169 (\$0.50); Parts 170-182 (\$0.75); Parts 183-299, Revised 1953 (\$5.50); Part 300 to end, and Title 27 (\$1.00); Titles 28-29 (\$1.25); Titles 30-31 (\$1.00); Title 32: Parts 1-699 (\$1.75); Part 700 to end (\$2.25); Title 33 (\$1.25); Titles 35-37 (\$0.70); Title 38 (\$2.00); Title 39 (\$2.00); Titles 40-42 (\$0.50); Title 43 (\$1.75); Titles 44-45 (\$0.75); Title 46: Parts 1-145 (\$0.35); Titles 47-48, Revised 1953 (\$7.75); Title 49: Parts 1-70 (\$0.60); Parts 71-90 (\$0.65); Parts 91-164 (\$0.45); Part 165 to end (\$0.60); Title 50 (\$0.55)

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Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons

grown in the State of California or in the State of Arizona.

*Order, as amended.* The provisions in paragraph (b) (1) (ii) of § 853.661 (Lemon Regulation 554; 19 F. R. 5883) are hereby amended to read as follows:

(ii) District 2: 325 carloads.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 14, 1954.

[SEAL] G. R. GRANGE,  
*Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 54-7305; Filed, Sept. 16, 1954; 8:51 a. m.]

## TITLE 26—INTERNAL REVENUE

### Chapter I—Internal Revenue Service, Department of the Treasury

#### Subchapter A—Income and Excess Profits Taxes [Regs. 118; T. D. 6099]

#### PART 39—INCOME TAX: TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1951

##### CHANGE OF ACCOUNTING PERIOD; SHORT TAXABLE YEAR ENDING AFTER JUNE 30, 1953

In order that taxpayers filing returns for short taxable years resulting from a change of accounting period may have the same length of time to file such returns as they have in the case of returns covering taxable years of twelve months, § 39.46-1 (b) (1) of Regulations 118 (26 CFR 39.46-1 (b) (1)) is amended by striking the second sentence and inserting in lieu thereof two sentences reading as follows: "To make such a change, the taxpayer shall file a return for the short taxable year within the period which would be applicable if the taxpayer were filing a return for a taxable year of 12 months ending on the last day of the short taxable year. The return shall be accompanied by a statement that it is made under the authorization conferred by this section."

As amended, § 39.46-1 (b) (1) will read as follows:

§ 39.46-1 *Change of accounting period.* \* \* \*

(b) *Short taxable years ending after June 30, 1953*—(1) *General.* A change of accounting period for income tax purposes requiring a return for a short taxable year ending after June 30, 1953, is authorized, except where inconsistent with section 41, requiring the use of the calendar year basis in certain specific cases, and except as provided in subparagraph (2) of this paragraph, and no application for such change need be filed. To make such a change, the taxpayer shall file a return for the short taxable year within the period which would be applicable if the taxpayer were filing a return for a taxable year of 12 months ending on the last day of the short taxable year. The return shall be accompanied by a statement that it is made under the authorization conferred by this section. Once a change of accounting period has been made, the taxpayer shall thereafter make his re-

turns and compute his net income on the basis of the new accounting period.

Because the amendment made by this Treasury decision merely extends the due dates for certain returns for short taxable years in connection with the change of an accounting period, it is found unnecessary to issue such Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of that act.

(53 Stat. 32, 467; 26 U. S. C. 62, 3791)

[SEAL] T. COLEMAN ANDREWS,  
*Commissioner of Internal Revenue.*

Approved: September 13, 1954.

M. B. FOLSOM,  
*Acting Secretary of the Treasury.*  
[F. R. Doc. 54-7301; Filed, Sept. 16, 1954; 8:50 a. m.]

#### Subchapter B—Estate and Gift Taxes

[Regs. 105; T. D. 6101]

#### PART 81—REGULATIONS RELATING TO ESTATE TAX

##### EXAMINATION OF RETURN AND DETERMINATION OF TAX

In order to provide in Regulations 105 (26 CFR Part 81) that requests for a determination of the estate tax and discharge from personal liability shall be filed with the appropriate district director of internal revenue, § 81.71 is amended to read as follows:

§ 81.71 *Examination of return and determination of tax.* (a) As soon as practicable after returns are filed, they will be examined and the amount of the tax determined under such procedure as may be prescribed from time to time.

(b) The executor may make written application to the district director of internal revenue for the district in which the return is filed for a determination of the tax and discharge from personal liability therefor. Within one year after receipt of such application, or if the application is made before the return is filed then within one year after the return is filed, the executor will be notified of the amount of the tax, and upon payment thereof he will be discharged from personal liability for any deficiency in the tax thereafter found to be due.

Because the purpose of this Treasury decision is merely to change the place of filing certain documents, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of said act.

(53 Stat. 467; 26 U. S. C. 3791)

[SEAL] T. COLEMAN ANDREWS,  
*Commissioner of Internal Revenue.*

Approved: September 13, 1954.

M. B. FOLSOM,  
*Acting Secretary of the Treasury.*  
[F. R. Doc. 54-7299; Filed, Sept. 16, 1954; 8:49 a. m.]

#### Subchapter D—Employment Taxes

[Regs. 107; T. D. 6100]

#### PART 403—EXCISE TAX ON EMPLOYERS UNDER THE FEDERAL UNEMPLOYMENT TAX ACT

##### STATUS OF SERVICES PERFORMED BY SEAMEN EMPLOYED ON CERTAIN VESSELS OPERATED BY GENERAL AGENTS OF SECRETARY OF COMMERCE

On July 14, 1954, a notice of proposed rule making with respect to amendments to conform Regulations 107 (26 CFR Part 403), relating to the excise tax on employers under the Federal Unemployment Tax Act (subchapter C, chapter 9, Internal Revenue Code of 1939), to section 1607 (o) of the Internal Revenue Code of 1939, added by Public Law 196, 83d Congress, approved August 5, 1953, was published in the FEDERAL REGISTER (19 F. R. 4329). No objection to the rules proposed having been received, the amendments set forth below are hereby adopted:

PARAGRAPH 1. Immediately preceding the caption "Section 3797 (a) and (b) of the Internal Revenue Code" as set forth preceding § 403.201, the following is inserted:

##### SECTION 2 OF PUBLIC LAW 196, 83D CONGRESS, APPROVED AUGUST 5, 1953

Section 1607 of the Internal Revenue Code is hereby amended by adding at the end thereof the following new subsection:

(o) Notwithstanding the provisions of subsection (c) (6) of this section, service performed on or after July 1, 1953, by officers and members of the crew of a vessel which would otherwise be included as employment under subsection (c) of this section shall not be excluded by reason of the fact that it is performed on or in connection with an American vessel (1) owned by or bareboat chartered to the United States and (2) whose business is conducted by a general agent of the Secretary of Commerce. For the purposes of this subchapter, each such general agent shall be considered a legal entity in his capacity as such general agent, separate and distinct from his identity as a person employing individuals on his own account, and the officers and members of the crew of such an American vessel whose business is conducted by a general agent of the Secretary of Commerce shall be deemed to be performing services for such general agent rather than the United States. Each such general agent who in his capacity as such an employer within the meaning of subsection (a) of this section shall be subject to all the requirements imposed upon an employer under this subchapter with respect to service which constitutes employment by reason of this subsection.

PAR 2. There is inserted immediately preceding § 403.203 the following:

##### SECTION 1607 (o) OF THE ACT

Notwithstanding the provisions of subsection (c) (6) of this section, service performed on or after July 1, 1953, by officers and members of the crew of a vessel which would otherwise be included as employment under subsection (c) of this section shall not be excluded by reason of the fact that it is performed on or in connection with an American vessel (1) owned by or bareboat chartered to the United States and (2) whose business is conducted by a general agent of the Secretary of Commerce. For the purposes of this subchapter, each such general agent shall be considered a legal entity in his capacity as such general agent, separate and distinct from his iden-

tity as a person employing individuals on his own account, and the officers and members of the crew of such an American vessel whose business is conducted by a general agent of the Secretary of Commerce shall be deemed to be performing services for such general agent rather than the United States. Each such general agent who in his capacity as such is an employer within the meaning of subsection (a) of this section shall be subject to all the requirements imposed upon an employer under this subchapter with respect to service which constitutes employment by reason of this subsection. (Sec. 2, P. L. 196, 83d Cong., approved Aug. 5, 1953, 67 Stat. 386.)

PAR. 3. Section 403.203, as amended by Treasury Decision 5905, approved May 27, 1952, is further amended by adding at the end thereof the following new paragraph:

(e) *Services performed on an American vessel whose business is conducted by a general agent of the Secretary of Commerce.* (1) Section 1607 (o) of the act and this paragraph apply with respect only to services performed on or after July 1, 1953, by an officer or member of the crew of an American vessel (i) which is owned by or bareboat chartered to the United States and (ii) whose business is conducted by a general agent of the Secretary of Commerce. Whether services performed on or after July 1, 1953, by such an officer or member of a crew under the above conditions constitute employment is determined under section 1607 (c) and (o) of the act, but without regard to section 1607 (c) (6) of the act (see § 403.213, relating to services performed in the employ of the United States and instrumentalities thereof). If, without regard to section 1607 (c) (6) such services constitute employment within the meaning of the act, they are not excepted from employment by reason of the fact that they are performed on or in connection with an American vessel which is owned by or bareboat chartered to the United States and whose business is conducted by a general agent of the Secretary of Commerce, that is, such services are not excepted from employment by section 1607 (c) (6). (For provisions relating to services performed within the United States and services performed outside the United States which constitute employment, see paragraphs (b) and (c) of this section.)

(2) The expression "officer or member of the crew" includes the master or officer in charge of the vessel, however designated, and every individual, subject to his authority, serving on board and contributing in any way to the operation and welfare of the vessel. Thus, the expression includes, for example, the master, mates, pilots, pursers, surgeons, stewards, engineers, firemen, cooks, clerks, carpenters, and deck hands.

(3) An employee of the United States who performs services as an officer or member of the crew of an American vessel which is owned by or bareboat chartered to the United States and whose business is conducted by a general agent of the Secretary of Commerce shall be deemed, under section 1607 (o) of the act, to be performing services for such

general agent rather than for the United States. Any such general agent of the Secretary of Commerce is considered a legal entity in his capacity as such general agent, separate and distinct from his identity as a person employing individuals on his own account. Each such general agent who, in his capacity as a legal entity separate and distinct from his own identity as a person employing individuals on his own account, qualifies as an employer under section 1607 (a) of the act (see § 403.205) with respect to a particular calendar year is with respect to such year subject to the tax and to all of the requirements imposed upon an employer under the act, and this part with respect to services which constitute employment by reason of section 1607 (o) of the act and this paragraph.

PAR. 4. Section 403.205, relating to who are employers, is amended by adding at the end of the first paragraph thereof the following: "(For provisions relating to the circumstances under which an employee who performs services as an officer or member of the crew of an American vessel (1) which is owned by or bareboat chartered to the United States and (2) whose business is conducted by a general agent of the Secretary of Commerce shall be deemed to be performing services for such general agent rather than for the United States, see section 1607 (o) of the act, set forth preceding §§ 403.203 and 403.203 (e).)"

PAR. 5. Section 403.213, as amended by Treasury Decision 5566, approved June 23, 1947, is further amended by revising the first sentence thereof to read as follows: "Services performed in the employ of the United States Government, except as provided in section 1607 (m) and (o) of the act (see § 403.203 (d) and (e)), are excepted."

(53 Stat. 188; 26 U. S. C. 1609)

[SEAL] T. COLEMAN ANDREWS,  
Commissioner of Internal Revenue.

Approved: September 13, 1954.

M. B. FOLSOM,  
Acting Secretary of the Treasury.

[F. R. Doc. 54-7300; Filed, Sept. 16, 1954;  
8:50 a. m.]

[Regs. 128; T. D. 6098]

**PART 408—EMPLOYEE TAX AND EMPLOYER TAX UNDER THE FEDERAL INSURANCE CONTRIBUTIONS ACT; APPLICABLE ON AND AFTER JANUARY 1, 1951**

**SERVICES PERFORMED BY CERTAIN AGRICULTURAL WORKERS FROM MEXICO**

On July 7, 1954, there was published in the *FEDERAL REGISTER* (19 F. R. 4110) a notice of proposed rule making with respect to amendments to conform Regulations 128 (26 CFR Part 408) relating to the employee tax and the employer tax under the Federal Insurance Contributions Act (subchapter A, chapter 9, Internal Revenue Code of 1939) to certain provisions of title V of the Agricultural Act of 1949, as added by Public Law 78, 82d Congress, approved July 12, 1951, and as amended by Public Law

237, 83d Congress, approved August 8, 1953. No objection to the rules proposed having been received, the amendments set forth below are hereby adopted:

PARAGRAPH 1. Immediately preceding the caption "Section 3797 (a) and (b) of the Internal Revenue Code" as set forth preceding § 408.201, the following is inserted:

SECTION 505 (b) OF THE AGRICULTURAL ACT OF 1949, AS ADDED BY PUBLIC LAW 78, 82d CONGRESS, APPROVED JULY 12, 1951

Section 1426 (b) (1) of the Internal Revenue Code, as amended, is amended by adding at the end thereof a new subparagraph as follows:

(C) Service performed by foreign agricultural workers under contracts entered into in accordance with title V of the Agricultural Act of 1949, as amended.

PAR. 2 Section 408.203 (a), relating to employment after December 31, 1950, is amended as follows:

(A) By revising the first two sentences thereof to read as follows: "Whether services performed on or after January 1, 1951, constitute employment is determined under section 1426 (b) of the act, that is, section 1426 (b), as amended, effective January 1, 1951, by section 204 (a) of the Social Security Act Amendments of 1950, and as further amended, effective July 12, 1951, by section 505 (b) of the Agricultural Act of 1949, as added by Public Law 78, 82d Congress, relating to services performed by certain agricultural workers from the Republic of Mexico. This section of the regulations in this part, and §§ 408.204 and 408.205 (relating to who are employees and employers), § 408.206 (relating to excepted services in general), § 408.207 (relating to included and excluded services) and § 408.208 and §§ 408.209 to 408.225, inclusive (relating to certain classes of excepted services) apply with respect only to services performed on or after January 1, 1951."

(B) By inserting immediately after the second sentence thereof the following: "Section 408.208a, relating to excepted services performed by certain agricultural workers from the Republic of Mexico, applies with respect only to services performed on or after July 12, 1951."

PAR. 3. Section 408.206, relating to excepted services in general, is amended as follows:

(A) By revising the first sentence of paragraph (a) thereof to read as follows: "Services performed on or after January 1, 1951, by an employee for an employer do not constitute employment for purposes of the tax if they are specifically excepted from employment under any of the numbered paragraphs of section 1426 (b) of the act, that is, section 1426 (b), as amended, effective January 1, 1951, by section 204 (a) of the Social Security Act Amendments of 1950, and as further amended, effective July 12, 1951, by section 505 (b) of the Agricultural Act of 1949, as added by Public Law 78, 82d Congress, relating to services performed by certain agricultural workers from the Republic of Mexico."

(B) By deleting the first sentence of paragraph (c) and inserting in lieu thereof the following: "This section,

§ 408.207 (relating to included and excluded services) and § 408.208 and §§ 408.209 to 408.225, inclusive (relating to certain classes of excepted services) apply with respect only to services performed on or after January 1, 1951. Section 408.208a, relating to excepted services performed by certain agricultural workers from the Republic of Mexico, applies with respect only to services performed on or after July 12, 1951."

PAR. 4. The caption "Section 1426 (b) (1) of the Act" as set forth immediately following § 408.207 is changed to read "Section 1426 (b) (1) (A) and (B) of the Act"

PAR. 5. Section 408.208 (a) relating to agricultural labor, is amended by adding at the end thereof the following: "For provisions relating to services which are excepted from employment by section 1426 (b) (1) (C) of the act, relating to services performed by foreign agricultural workers under contracts entered into in accordance with title V of the Agricultural Act of 1949, as amended, see § 408.208a."

PAR. 6. There is inserted immediately after § 408.208 the following:

**SECTION 1426 (b) (1) (C) OF THE ACT**

The term "employment" means \* \* \* any service, of whatever nature, \* \* \* except that \* \* \* such term shall not include—

(C) Service performed by foreign agricultural workers under contracts entered into in accordance with title V of the Agricultural Act of 1949, as amended. (Sec. 1426 (b) (1) (C), I. R. C., as added, effective July 12, 1951, by sec. 505 (b) of the Agricultural Act of 1949.)

**TITLE V OF THE AGRICULTURAL ACT OF 1949, AS ADDED BY PUBLIC LAW 73, 82d CONGRESS, APPROVED JULY 12, 1951**

SEC. 501. For the purpose of assisting in such production of agricultural commodities and products as the Secretary of Agriculture deems necessary, by supplying agricultural workers from the Republic of Mexico (pursuant to arrangements between the United States and the Republic of Mexico), the Secretary of Labor is authorized—

(1) To recruit such workers (including any such workers who have resided in the United States for the preceding five years, or who are temporarily in the United States under legal entry);

(5) To assist such workers and employers in negotiating contracts for agricultural employment (such workers being free to accept or decline agricultural employment with any eligible employer and to choose the type of agricultural employment they desire, and eligible employers being free to offer agricultural employment to any workers of their choice not under contract to other employers);

SEC. 507. For the purposes of this title—  
(1) The term "agricultural employment" includes services or activities included within the provisions of section 3 (f) of the Fair Labor Standards Act of 1938, as amended, or section 1426 (h) of the Internal Revenue Code, as amended, horticultural employment, cotton ginning, compressing and storing, crushing of oil seeds, and the packing, canning, freezing, drying, or other processing of perishable or reasonable agricultural products.

SEC. 509. No workers will be made available under this title for employment after December 31, 1953. (65 Stat. 110, 7 U. S. C. 1461.)

**PUBLIC LAW 237, 83d CONGRESS, APPROVED AUGUST 8, 1953**

\* \* \* section 509 of title V of the Agricultural Act of 1949, as amended, is amended by striking out "December 31, 1953" and inserting in lieu thereof "December 31, 1955" (67 Stat. 500.)

**SECTION 3 (f) OF THE FAIR LABOR STANDARDS ACT OF 1938, AS AMENDED**

"Agriculture" includes farming in all its branches and among other things includes the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities (including commodities defined as agricultural commodities in section 15 (g) of the Agricultural Marketing Act, as amended), the raising of livestock, bees, fur-bearing animals, or poultry, and any practices (including any forestry or lumbering operations) performed by a farmer or on a farm as an incident to or in conjunction with such farming operations, including preparation for market, delivery to storage or to market or to carriers for transportation to market. (Sec. 3 (f), Act of June 25, 1938, 52 Stat. 1060, 29 U. S. C. 263 (f).)

§ 408.208a *Service performed by certain agricultural workers from the Republic of Mexico.* Services performed on or after July 12, 1951, by agricultural workers from the Republic of Mexico, under contracts entered into in accordance with title V of the Agricultural Act of 1949, as amended, are excepted from employment. Contracts entered into pursuant to the provisions of such title V may provide for the performance only of services which constitute "agricultural employment" For purposes of title V of the Agricultural Act of 1949, as amended, the term "agricultural employment" includes services or activities included within the provisions of section 3 (f) of the Fair Labor Standards Act of 1938, as amended, or section 1426 (h) of the Federal Insurance Contributions Act (see § 408.208 (d)) horticultural employment, cotton ginning, compressing and storing, crushing of oil seeds, and the packing, canning, freezing, drying, or other processing of perishable or reasonable agricultural products. Thus, the term "agricultural employment" includes certain services which do not constitute "agricultural labor" as that term is defined in section 1426 (h) of the act. Inasmuch as services performed by agricultural workers from the Republic of Mexico under contracts entered into in accordance with title V of the Agricultural Act of 1949, as amended, are categorically excepted from employment under section 1426 (b) (1) (C) of the act, the conditions prescribed in section 1426 (b) (1) (A) of the act for determining whether agricultural labor performed by an employee for an employer in a calendar quarter is excepted from employment have no application to any services which constitute agricultural labor and which are excepted from employment under this section. For provisions relating to agricultural labor which is excepted from employment un-

der section 1426 (b) (1) (A) and (B) of the act, see § 408.208.

(53 Stat. 170; 26 U. S. C. 1429)

[SEAL]

O. GORDON DELL,  
Acting Commissioner  
of Internal Revenue.

Approved: September 13, 1954.

M. B. FOLSON,  
Acting Secretary of the Treasury.

[P. R. Doc. 54-7362; Filed, Sept. 16, 1954; 8:50 a. m.]

## TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

### Chapter I—Veterans' Administration

#### PART I—GENERAL PROVISIONS

Immediately following § 1.667, a new centerhead and §§ 1.750 through 1.755 are added as follows:

#### APPEALS FROM DECISIONS OF CONTRACTING OFFICERS UNDER CONSTRUCTION AND RELATED CONTRACTS

Sec.

- 1.750 Appeals authority.
- 1.751 Appeals organization.
- 1.752 Method of appeals.
- 1.753 Procedure of Appeals Board.
- 1.754 Report by Appeals Board.
- 1.755 Notification of decision.

AUTHORITY: §§ 1.750 to 1.755 issued under sec. 5, 43 Stat. 693, as amended, sec. 2, 46 Stat. 1016; 38 U. S. C. 11a, 426. Interpret or apply 68 Stat. 81.

§ 1.750 *Appeals authority—(a) Contract provisions.* Provisions of Veterans' Administration construction contracts and contracts for architect-engineer services include a clause under which certain disputes arising under the contract and not disposed of by agreement shall be decided by the contracting officer subject to written appeal by the contractor, within 30 days, addressed to "the head of the department," the Administrator of Veterans Affairs, or "his duly authorized representative." This provision may be reflected, in detailed applications, in the specifications included in a particular contract.

(b) *Finality of decisions.* Public Law 356, 83d Cong. (68 Stat. 81) approved May 11, 1954 (sec. 1) permits judicial review of decisions of the head of a department or agency or his duly authorized representative or board in all such disputes: *Provided, however* That any such decision shall be final and conclusive unless the same is fraudulent or capricious or arbitrary or so grossly erroneous as necessarily to imply bad faith, or is not supported by substantial evidence. The same act (sec. 2) prohibits inclusion in any Government contract of a provision making final the decision of any administrative official, representative, or board on a question of law. Any statement in a Veterans' Administration construction or related contract concerning the finality of administrative decisions under its provisions will be understood and interpreted as effective



only to the extent consistent with Public Law 356, 83d Congress.

§ 1.751 *Appeals organization*—(a) *Assistant Administrator for Construction*. By definition, under the general provisions of Veterans' Administration construction contracts, the term "head of the department" means the head or any assistant head of the executive department or independent establishment involved, and the term "his duly authorized representative" means any person authorized to act for him other than the contracting officer. By delegation from the Administrator of Veterans Affairs, or "head of the department," the Assistant Administrator for Construction is his duly authorized representative for the hearing of appeals from decisions of Veterans' Administration contracting officers under construction and architect-engineer contracts and for rendering decisions thereon in accordance with contract provisions.

(b) *Construction Contract Appeals Board*. There has been established in the office of the Assistant Administrator for Construction a Construction Contract Appeals Board charged with responsibility for ascertaining and reporting to the Assistant Administrator the facts and circumstances attending appeals by contractors from decisions of Veterans' Administration contracting officers, submitted in accordance with provisions of construction and architect-engineer contracts, and for making recommendations thereon for his decision.

(1) The Construction Contract Appeals Board (hereinafter referred to as "the Board") is authorized by the Assistant Administrator for Construction to conduct such proceedings, to take such other actions and to adopt such rules and procedures as may be necessary and appropriate for accomplishment of its assigned functions and for efficient disposition of matters which may properly come before it.

(2) All Veterans' Administration contracting officers and other Veterans' Administration officials and employees having responsibility for or official knowledge of the award, administration, or supervision of construction or architect-engineer contracts, or of work performed thereunder, are required to furnish the Board such information, evidence, technical data, and similar assistance as the Board may properly require from time to time in the performance of its duties.

§ 1.752 *Method of appeals*—(a) *Address*. If the contractor takes issue with a written decision of the Veterans' Administration contracting officer upon a dispute concerning a question or questions of fact arising under a construction or architect-engineer contract, he may file a written appeal from the decision, as provided under terms of the contract and within the time specified therein. Appeals should be mailed or otherwise furnished to the contracting officer and addressed to the Assistant Administrator for Construction, Veterans' Administration Munitions Building, Washington 25, D. C., Attention: Construction Contract Appeals Board.

(b) *Information to be submitted by appellant*. While no particular form is prescribed for the notice of appeal, the following items should be included therein to avoid time-consuming delays and possible necessity for cross-correspondence:

(1) Contract number and date, and name of the contracting officer.

(2) General statement as to the subject matter of the contract, e. g., for the construction of ---- at ----

(3) Date and nature of the decision of the contracting officer from which appeal is taken.

(4) Relief sought by the appellant.

(5) Advise as to whether the appellant desires to rest his appeal upon the present record (which would include all of the applicable files and data of the contracting officer) whether the appellant intends to submit a written brief in support of his contentions, or whether, in addition to submitting a written brief, the appellant desires also to appear personally before the Board or be represented in support of his contentions. There may be included in the notice of appeal under subparagraph (4) of this paragraph, the appellant's reasoning and arguments in favor of the appeal, in lieu of a brief.

(c) *Information to be submitted by contracting officer*. Appeals received by the contracting officer will be forwarded promptly to the Construction Contract Appeals Board and the contracting officer will, in turn, within reasonable time thereafter, furnish to the Board the following information:

(1) Detailed statement of the reasons and findings of fact upon which was based the decision from which appeal is being filed.

(2) Copies of the contract documents, including applicable plans, specifications, change orders, supplemental agreements, and related material.

(3) Copies of all correspondence and other records having a bearing upon the matter in dispute, together with such other data as the contracting officer may consider pertinent or as the Board may specifically request during consideration of the appeal. Material from files of the contracting officer will be returned following decision upon the appeal.

(d) *Preliminary action by Board*. The Board will promptly acknowledge receipt of notice of appeal filed, in proper form as outlined in this section, by a contractor. Upon request by the appellant, the Board will furnish him with a statement of the contracting officer's findings of fact and reasons for the decision as indicated to the Board (paragraph (c) (1) of this section). The contracting officer's files and other internal administrative data before the Board will not be available for inspection by the appellant.

§ 1.753 *Procedure of Appeals Board*—

(a) *Consideration on basis of record*. Should the appellant indicate that he rests his case upon the record and his notice of appeal, without the filing of a brief or a personal appearance before the Board, the Board will, upon receipt of the information to be furnished by the

contracting officer, consider the facts before it, obtaining and including such further data and evidence as the Board may, in its judgment, consider necessary to a proper adjudication. As promptly as the matters involved in the case will admit, the Board will make its determinations and recommendations thereon.

(b) *Consideration on record and written brief*. Should the appellant indicate that he rests his case upon the record as supplemented by his written brief, without personal appearance before the Board, the Board will, upon receipt of the information to be furnished by the contracting officer and the brief to be furnished by the appellant, consider the facts before it, obtaining and including such further data and evidence as the Board may, in its judgment, consider necessary to a proper adjudication. As promptly as the matters involved in the case will admit, the Board will make its determinations and recommendations thereon.

(1) No particular form is prescribed for appellant's brief, if one is submitted.

(2) The brief should be in sufficient detail to set out clearly the issues and the appellant's position with respect thereto, and may include such supporting data and documentation as the appellant considers necessary to sustain his position.

(c) *Personal appearance of appellant*. An appellant may appear before the Board in person or be represented by counsel (including any duly authorized person) or both in person and by representation.

(1) *Brief*. If an appellant elects to appear personally or by representation before the Board, a brief or statement covering all items of his contentions and his intended presentation pertaining thereto must be filed with the Board not less than 10 calendar days in advance of his scheduled appearance. Further, in order that appropriate space and stenographic arrangements may be made, appellant must advise therewith (i) the estimated length of time which will be required for his presentation, and (ii) the number, names, addresses, and capacities of persons who will be present in his behalf.

(2) *Meetings*. Meetings of the Board for the purpose of such personal appearances will be held normally in the Munitions Building, Washington, D. C., after due notification to appellants by ordinary mail to the latest address of record. Every reasonable effort will be made to suit the convenience of appellants as to the time of meetings.

(3) *Proceedings*. Proceedings of the Board will be informal, in the sense that rules of evidence and like formalities ordinarily observed in judicial and quasi-judicial proceedings will not be strictly followed. The Board, however, reserves the right to exclude such testimony as, in its judgment, is improper, of no probative value, or not pertinent to the issues before it.

(4) *Transcripts*. Proceedings of the Board will be stenographically reported. Such stenographic reporting is usually done by reporters under contract with

the Government, who are considered to be competent. The Government, however, assumes no responsibility for the completeness or accuracy of any transcript, whether by contract reporter or by Government personnel. The Government will not furnish appellants with copies of the transcript made by a contract reporter. Copies may be purchased by appellants directly from the reporter. In cases where the transcript is prepared by Government personnel, one copy may be furnished to the appellant without charge.

(5) *Failure to appear* Should the appellant fail to appear, personally or by representation, at the time stated in the notice of meeting, the Board will proceed upon the record in the same manner as if no personal appearance had been requested.

(6) *Findings.* Upon completion of the proceeding, the Board will consider all of the facts before it, obtaining and including such further data, evidence, or testimony as the Board may, in its judgment, consider to be necessary for a proper adjudication of the issues. As promptly thereafter as the matters involved in the case will admit, the Board will make its determinations and recommendations thereon.

§ 1.754 *Report by Appeals Board—(a) Opportunity for rebuttal.* Unless its recommendations are in accordance with contentions of the appellant, the Board upon completion of its deliberations, and prior to submission of its report to the Assistant Administrator for his decision, will submit to the appellant, by registered mail, a draft of its proposed determinations and findings as to the facts appearing in the case, and its recommendations thereon. The appellant will be allowed a period of 30 calendar days from the date of mailing of the draft, or such further time as the Board in its discretion may allow, to submit such further pertinent written evidence, data, and arguments as he may desire in support of his contentions. No further personal appearance by the appellant before the Board will be allowed, unless, in the judgment of the Board, a further development of the facts through this means is necessary.

(b) *Consideration of rebuttal.* If further evidence, data, and arguments in writing are submitted by the appellant, within the rebuttal time allowed, they will receive consideration by the Board before rendition of its final report to the Assistant Administrator for his decision, and will accompany the report. Requests for reconsideration will not thereafter be entertained.

§ 1.755 *Notification of decision.* The formal decision of the Assistant Administrator for Construction upon an appeal will be communicated in writing to the appellant by ordinary mail.

This regulation is effective September 17, 1954.

[SEAL] J. C. PALMER,  
Acting Deputy Administrator.

[F. R. Doc. 54-7304; Filed, Sept. 16, 1954; 8:51 a. m.]

## PROPOSED RULE MAKING

### DEPARTMENT OF AGRICULTURE

#### Agricultural Marketing Service

[ 7 CFR Part 960 ]

[Docket No. AO-253]

#### HANDLING OF MILK IN AKRON, OHIO, MARKETING AREA

#### NOTICE OF EXTENSION OF TIME FOR FILING EXCEPTIONS TO RECOMMENDED DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) notice is hereby given that the time for filing exceptions to the recommended decision, with respect to a proposed marketing agreement and a proposed order, regulating the handling of milk in the Akron, Ohio, marketing area, which was issued August 16, 1954 (19 F. R. 5270) is hereby extended to September 28, 1954.

Dated: September 14, 1954.

[SEAL] ROY W. LEHNHARTSON,  
Deputy Administrator

[F. R. Doc. 54-7306; Filed, Sept. 16, 1954; 8:51 a. m.]

### FEDERAL POWER COMMISSION

[ 18 CFR Part 4 ]

[Docket No. R-139]

#### LICENSES, PERMITS, AND DETERMINATION OF PROJECT COSTS

#### NOTICE OF EXTENSION OF TIME TO SUBMIT DATA, VIEWS AND COMMENTS

SEPTEMBER 13, 1954.

In the matter of notice of proposed rule making amendment to Part 4 of Subchapter B of the regulations relating to applications for and issuance of licenses under the provisions of the Federal Power Act; Docket No. R-139.

Upon consideration of the request, filed September 9, 1954, by LeBeauf, Lamb & Leiby for an extension of time for filing data, views and comments in the above-designated matter;

Notice is hereby given that an extension of time is granted to and including October 18, 1954, within which to submit data, views and comments with respect to the rules proposed in this matter.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 54-7236; Filed, Sept. 16, 1954; 8:49 a. m.]

## NOTICES

### FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 10218; FCC 54M-1069]

WILLIAM C. MOSS (KSEY)

#### ORDER CONTINUING HEARING

In re application of William C. Moss (KSEY) Seymour, Texas, for modification of license; Docket No. 10218, File No. BML-1473.

It appearing, that applicant William C. Moss, under date of August 26, 1954, executed a petition for postponement of hearing which was received in the offices of the Federal Communications Commission on August 30, 1954; and

It further appearing, that there is now pending before this Commission a petition of said applicant, filed August 16, 1954, entitled "Second Petition for Reconsideration and Grant Without Hearing" and "Petition of Chief, Broadcast Bureau To Remove A Party, Add A Party, And Modify An Issue" in the above-entitled proceeding, and that the applicant William C. Moss further advises that under the revised hearing rules applicable to radio broadcasting proceedings, effective July 15, 1954, the said applicant has not had sufficient opportunity to prepare and submit his direct case in writing, should the Commission require him to proceed with this Hearing; and

It further appearing, that the Chief of the Commission's Broadcast Bureau has consented thereto and waived the time requirements of § 1.745 of the rules of the Commission, and there being no protesting broadcasting station parties in this proceeding;

It is ordered, This 30th day of August 1954, that the hearing in this matter, now set for August 31, 1954, be and it is hereby postponed until further order of the undersigned Hearing Examiner, the Motions Commissioner or the Federal Communications Commission in the premises.

Released: August 31, 1954.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

[F. R. Doc. 54-7275; Filed, Sept. 16, 1954; 8:45 a. m.]

[Docket Nos. 10379, 11014, 11015; FCC 54M-1069]

#### KEY BROADCASTING SYSTEM, INC., ET AL.

#### ORDER CONTINUING HEARING

In re applications of Key Broadcasting System, Incorporated, Bay Shore, New York, Docket No. 10379, File No. BP-8422; the WAVZ Broadcasting Corpora-

## NOTICES

tion (WAVZ) New Haven, Connecticut, Docket No. 11014, File No. BP-8944, Edward J. Fitzgerald, Riverhead, New York, Docket No. 11015, File No. BP-9100; for construction permits.

*It is ordered*, This 30th day of August 1954, pursuant to actions taken at a pre-hearing conference held August 27, 1954, that each applicant shall not later than October 5, 1954, "provide all parties to the hearing with a full set of exhibits to be offered in the hearing as the direct case of the said applicant" that there shall be mailed to or delivered to each other party one copy, to the Chief, Broadcast Bureau one copy, to the Examiner one copy, and to the Dockets Section two copies; and that the exhibits shall be marked as specified on the record.

*It is further ordered*, That a further conference herein shall be held at Washington, D. C., Friday, October 15, 1954, at 10:00 a. m. pursuant to § 1.841 (c) of the Commission's rules for the purpose of discussing (1) the possibility of agreements disposing of any evidentiary issues raised with respect to the exhibits previously exchanged between the parties; (2) the limitation on cumulative evidence; (3) number of witnesses and estimated length of testimony; (4) need for the use of depositions; and (5) any other matters which may aid the disposition of the hearing; and

*It is further ordered*, That the hearing herein now scheduled to commence October 5, 1954, is continued and rescheduled to commence at 10:00 a. m., Monday, October 25, 1954, at Washington, D. C.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] MARY JANE MORRIS,  
Secretary.

[F. R. Doc. 54-7276; Filed, Sept. 16, 1954;  
8:45 a. m.]

[Docket No. 11029; FCC 54M-1086]

## VOICE OF LAKE TAHOE

## ORDER SCHEDULING CONFERENCE

In re application of Charles E. Halstead, tr/as Voice of Lake Tahoe, Zephyr Cove, Nevada, for construction permit; Docket No. 11029, File No. BP-9108.

Pursuant to §§ 1.813 and 1.844 of the Commission's rules and section 7 (a) of the Administrative Procedure Act,

*It is ordered*, This 1st day of September 1954, that the applicant and the Chief of the Broadcast Bureau, or the attorneys for the said parties in this proceeding, shall appear at 2:00 p. m., e. d. t., on Tuesday, September 21, 1954, at the offices of the Commission in Washington, D. C., at a conference to be then and there held for the purpose of considering the following matters:

(1) The necessity or desirability of specification, simplification, clarification, amplification or limitation of the issues;

(2) The possibility of stipulating with respect to facts, documents, records and exhibits;

(3) The procedure to be followed in supplying the exhibits as required by § 1.841 (a).

(4) The procedure at the hearing; and  
(5) Such other matters as may aid in the disposition of this proceeding; and  
*It is further ordered*, That the Secretary send a copy of this order by Registered Mail—Return Receipt Requested to the applicant named above.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] MARY JANE MORRIS,  
Secretary.

[F. R. Doc. 54-7277; Filed, Sept. 16, 1954;  
8:45 a. m.]

[Docket No. 11075; FCC 54M-1087]

COLORADO CITY BROADCASTING Co.  
(KVMC)

## ORDER SCHEDULING CONFERENCE

In re application of Eldon B. Mahon & John B. Mahon a partnership d/b as Colorado City Broadcasting Co. (KVMC) Colorado City, Texas, for construction permit; Docket No. 11075, File No. BP-9137.

Pursuant to §§ 1.813 and 1.844 of the Commission's rules and section 7 (b) of the Administrative Procedure Act,

*It is ordered*, This 1st day of September, 1954 that the applicant and the respondent, Western Oklahoma Broadcasting Company (KWOE) and the Chief of the Broadcast Bureau, or the attorneys for the said parties in this proceeding, shall appear at 10:00 a. m., e. d. t., on Tuesday, September 21, 1954, at the offices of the Commission in Washington, D. C., at a conference to be then and there held for the purpose of considering the following matters:

(1) The necessity or desirability of simplification, clarification, amplification or limitation of the issues;

(2) The possibility of stipulating with respect to facts, documents and exhibits;

(3) The procedure to be followed in effecting the exchanges of exhibits as required by § 1.841 (a)

(4) The procedure at the hearing; and  
(5) Such other matters as may aid in the disposition of this proceeding; and

*It is further ordered*, That the Secretary send a copy of this order by Registered Mail—Return Receipt Requested to the applicant and the respondent named above.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] MARY JANE MORRIS,  
Secretary.

[F. R. Doc. 54-7278; Filed, Sept. 16, 1954;  
8:45 a. m.]

[Docket Nos. 11104-11106; FCC 54M-1076]

COMMERCIAL RADIO EQUIPMENT Co.  
(WDON) ET AL.

## ORDER CONTINUING HEARING

In re applications of Everett L. Dillard, tr/as Commercial Radio Equipment Co. (WDON) Wheaton, Maryland, Docket No. 11104, File No. BMP-6256; for modification of construction permit. The Good Music Station, Inc. (WGMS),

Washington, D. C., Docket No. 11105, File No. BP-8764, The Good Music Station, Inc., Bethesda, Maryland, Docket No. 11106, File No. BP-9078; for construction permits.

An oral request having been made by Commercial Radio Equipment Co. (WDON) for a continuance in this proceeding which is now scheduled to commence on September 3, 1954;

It appearing that all parties to the proceeding have expressed their consent to this request;

*It is ordered*, This 30th day of August 1954, that the hearing in the above-entitled proceeding is continued from September 3, 1954, to September 17, 1954.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] MARY JANE MORRIS,  
Secretary.

[F. R. Doc. 54-7279; Filed, Sept. 16, 1954;  
8:46 a. m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 6346]

AIR SERVICE BETWEEN CHARLESTON,  
W. VA., AND COLUMBUS, OHIO

## NOTICE OF ORAL ARGUMENT

In the matter of an investigation of the need for air service between Charleston, W. Va., and Columbus, Ohio.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on October 5, 1954, at 10 a. m., e. s. t., in Room 5042, Commerce Building, Constitution Avenue between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., September 14, 1954.

[SEAL] FRANCIS W. BROWN,  
Chief Examiner

[F. R. Doc. 54-7309; Filed, Sept. 16, 1954;  
8:51 a. m.]

[Docket No. 6615]

PAN AMERICAN WORLD AIRWAYS, INC.,  
GUATEMALA CITY-LOS ANGELES RENEWAL CASE

## NOTICE OF PREHEARING CONFERENCE

In the matter of the application of Pan American World Airways, Inc., under section 401 of the Civil Aeronautics Act, as amended, for renewal and amendment of that portion of its Latin American certificate of public convenience and necessity which authorizes air transportation between the intermediate point Guatemala City, Guatemala, and the terminal point Los Angeles, California.

Notice is hereby given that a pre-hearing conference in the above-entitled matter is assigned to be held on September 30, 1954, at 10:00 a. m., e. s. t., in Room 2070, Temporary Building No. 5, Sixteenth and Constitution Avenue NW., Washington, D. C., before Examiner F. Merritt Ruhlen.



Dated at Washington, D. C., September 14, 1954.

[SEAL] FRANCIS W. BROWN,  
Chief Examiner

[F. R. Doc. 54-7311; Filed, Sept. 16, 1954;  
8:52 a. m.]

[Docket No. 6753]

AEROVIAS VENEZOLANAS, S. A.

#### NOTICE OF HEARING

In the matter of the application of Aerovias Venezolanas, S. A. under section 402 of the Civil Aeronautics Act of 1938, as amended, for a foreign air carrier permit authorizing service, (a) between the co-terminal points Maiquetia and Maracaibo, Venezuela, and the terminal point Miami, Fla., via the intermediate points the Netherlands West Indies and Jamaica, British West Indies, and (b) between the co-terminal points Maiquetia and Maracaibo, Venezuela, and the terminal point New Orleans, La., and the intermediate point Jamaica, British West Indies.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 402 and 1001 of said act, that a hearing in the above-entitled proceeding will be held on September 30, 1954, at 10:00 a. m., e. s. t., in Room 5132, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington 25, D. C., before Curtis C. Henderson, Hearing Examiner.

Without limiting the scope of the issues presented by the applicant, particular attention will be directed to the following questions:

1. Whether the proposed air transportation will be in the public interest.
2. Whether the applicant is fit, willing, and able to perform the proposed air transportation and conform to the provisions of the act and the rules, regulations and requirements of the Board thereunder.
3. Whether authorization of the proposed air transportation will be consistent with the obligations assumed by the United States in any treaty, convention, or agreement that may be in force between the United States and the Republic of Venezuela.

For further details as to the service proposed and authorization requested, interested parties are referred to the application on file with the Civil Aeronautics Board.

Notice is further given that any person, other than a party of record, desiring to be heard in this proceeding must file with the Board on or before September 30, 1954, a statement setting forth the pertinent issues of fact or law which he desires to controvert.

Dated at Washington, D. C., September 14, 1954.

[SEAL] FRANCIS W. BROWN,  
Chief Examiner

[F. R. Doc. 54-7310; Filed, Sept. 16, 1954;  
8:52 a. m.]

No. 181—2

[Docket No. 6343]

DELTA-C&S AIR LINES; APPLICATION TO MAKE FORT WAYNE AN ALTERNATE INTERMEDIATE POINT TO ANDERSON/MUNCIE/NEW CASTLE, IND.

#### NOTICE OF PREHEARING CONFERENCE

In Order No. E-8224 of April 5, 1954, the Board indicated that expedited attention would be given to any application which might be filed by Delta-C&S Air Lines seeking authority similar to that sought in the request of that company for an exemption order to substitute Fort Wayne for Anderson/Muncie/New Castle. In Docket No. 6343, Delta-C&S Air Lines applied for an amendment of its certificate for route No. 54 so as to make Fort Wayne, Indiana, an intermediate point alternate to the intermediate point Anderson/Muncie/New Castle, Indiana, in such certificate, subject to the restriction that the carrier shall not serve Chicago, Illinois, on flights serving Detroit, Michigan, Toledo, Ohio, or Fort Wayne, Indiana.

Notice is hereby given that a prehearing conference in the above-entitled matter is hereby assigned to be held on September 29, 1954, at 10:00 a. m., e. s. t., in Room 5132, Commerce Building, Fourteenth and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., September 14, 1954.

[SEAL] FRANCIS W. BROWN,  
Chief Examiner

[F. R. Doc. 54-7303; Filed, Sept. 16, 1954;  
8:51 a. m.]

### FEDERAL POWER COMMISSION

[Docket No. G-1489]

CITIZENS GAS CO.

#### NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Citizens Gas Company (Applicant), a Pennsylvania corporation and a public utility under the laws of that Commonwealth, filed on August 10, 1954, an application for an amendment of the order issued October 3, 1952. In the Matter of Warwick Gas Corporation, et al., Docket Nos. G-1476, et al., insofar as it relates to this proceeding. The order of October 3, 1952, modified and affirmed as modified the initial decision of the Presiding Examiner issued August 4, 1952. By such order the Commission affirmed the issuance of a certificate of public convenience and necessity to Applicant to construct and operate natural-gas transmission pipe-line facilities for the transportation of natural gas in interstate commerce and required The Manufacturers Light and Heat Company (Manufacturers), pursuant to section 7 (a) of the Natural Gas Act, to supply up to 428 Mcf per day to Applicant.

Applicant requests that the Commission remove the limitation of 428 Mcf per day applicable to the volumes of natural gas which Manufacturers is obligated to sell and deliver to Applicant.

In support of such request, Applicant avers that its peak day requirements already exceed 428 Mcf and that the requirements of its customers on a peak day for the next five years will increase from 591 Mcf to 1,345 Mcf.

Applicant has requested that its application be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

On August 27, 1954, Manufacturers filed an answer and response to the application.

The Commission finds:

(1) It is appropriate in the public interest in carrying out the provisions of the Natural Gas Act that due notice of the application, including publication in the FEDERAL REGISTER, be given as hereinafter ordered.

(2) It is appropriate in the public interest in carrying out the provisions of the Natural Gas Act, and good cause exists, that the application filed herein on August 16, 1954, should be set down for public hearing as hereinafter ordered and provided.

The Commission orders:

(A) Due notice be given, including publication in the FEDERAL REGISTER, of this notice of application and order.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on October 12, 1954, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the application: *Provided, however* That the Commission may, after a non-contested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(C) Protests or petitions to intervene may be filed with the Commission in accordance with its rules of practice and procedure, §§ 1.8 and 1.10 (18 CFR 1.8 and 1.10) on or before October 1, 1954.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: September 10, 1954.

Issued: September 13, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 54-7230; Filed, Sept. 16, 1954;  
8:48 a. m.]

[Docket Nos. 2303, 2311, 2327, 2323]

AMERICAN LOUISIANA PIPE LINE CO. ET AL.

#### ORDER POSTPONING HEARING

In the matters of American Louisiana Pipe Line Company, Docket No. G-2306; Texas Gas Transmission Corporation,

Docket No. G-2311, Michigan Wisconsin Pipe Line Company, Docket No. G-2327, Michigan Consolidated Gas Company Docket No. G-2328.

The record of the oral argument held before the Commission in these proceedings on September 8, 1954, reveals that all Applicants have completed the presentation of all evidence in support of their respective applications, and that they desire to present no further evidence.

Counsel for several party-interveners in the consolidated proceedings desiring to present evidence in the consolidated proceedings, by telegram of September 8, 1954, have requested the Commission to postpone the further hearing in the proceedings now set to convene on September 13, 1954, to an early date to be fixed by further order of the Commission.

The Commission finds: Good cause exists for postponing the further hearing in these consolidated proceedings now set to convene on September 13, 1954, to a date to be fixed by further order of the Commission.

The Commission orders: The hearing in these proceedings now set to convene on September 13, 1954, be and the same hereby is postponed to a date to be fixed by further order of the Commission.

Adopted: September 10, 1954.

Issued: September 13, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 54-7291; Filed, Sept. 16, 1954;  
8:48 a. m.]

[Docket No. G-2528]

UNITED FUEL GAS CO.

NOTICE OF APPLICATION AND ORDER FIXING  
DATE OF HEARING

United Fuel Gas Company (Applicant) a West Virginia corporation with its principal place of business in Charleston, West Virginia, filed on August 5, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of approximately 10.5 miles of 12¾ inch replacement pipeline and approximately 2.6 miles of 20-inch replacement pipeline, and for an order authorizing and approving abandonment of the line to be replaced if the replacement results in an abandonment of facilities or service within the meaning of section 7 (b) of the Natural Gas Act.

Applicant proposes to improve service between its Kenova Measuring Station and the Cities of Ashland, Kentucky, Ironton, Ohio and vicinity, and Huntington, West Virginia and vicinity by partial replacement of existing 14-inch line between Kenova and Ashland, and partial replacement of existing 14-inch line between Kenova and Huntington. The proposed facilities will have capacity to transport an estimated 29,800 Mcf to the Ashland-Ironton area, and 28,900 Mcf to the Huntington area on a peak day of the 1954-1955 winter season. Applicant proposes to reclassify as distribu-

tion property the 14-inch line to be replaced between Kenova and Ashland, and to abandon in place the facilities to be replaced between Kenova and Huntington.

The estimated cost of the proposed facilities is \$689,200. Financing is proposed through funds to be provided by Applicant's parent, The Columbia Gas System, Inc.

Applicant has requested that its application be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

The Commission finds:

(1) It is appropriate in the public interest in carrying out the provisions of the Natural Gas Act, and good cause exists, that due notice of the application in the FEDERAL REGISTER, be given as hereinafter ordered.

(2) It is appropriate in the public interest in carrying out the provisions of the Natural Gas Act, and good cause exists, that the application filed herein on August 5, 1954, should be set down for public hearing as hereinafter provided and ordered.

The Commission orders:

(A) Due notice of this application be given, including publication in the FEDERAL REGISTER of this notice of application and order.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on September 30, 1954 at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by the application: *Provided, however* That the Commission may, after a non-contested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(C) Protests or petitions to intervene may be filed with the Federal Power Commission in accordance with its rules of practice and procedure, § 1.8 or § 1.10 (18 CFR 1.8 or 1.10) on or before September 28, 1954.

(D) Interested State commissions may participate as provided by § 1.8 or § 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.37 (f))

Adopted: September 10, 1954.

Issued: September 13, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 54-7292; Filed, Sept. 16, 1954;  
8:48 a. m.]

[Docket No. G-2543]

BARNHART HYDROCARBON CORP., ET AL.

NOTICE OF POSTPONEMENT OF HEARING

SEPTEMBER 10, 1954.

Upon consideration of the telegraphic request of Barnhart Hydrocarbon Cor-

poration for postponement of the hearing now scheduled for September 14 in the above-designated matter;

Notice is hereby given that said hearing is postponed to 10:00 a. m., e. s. t., October 4, 1954, in Commission's Hearing Room, 441 "G" Street NW., Washington, D. C.

[SEAL]

LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 54-7297; Filed, Sept. 16, 1954;  
8:49 a. m.]

[Docket No. G-2572]

EL PASO NATURAL GAS CO.

NOTICE OF APPLICATION AND ORDER FIXING  
DATE OF HEARING

El Paso Natural Gas Company (Applicant) a Delaware corporation with its principal place of business in El Paso, Texas, filed on August 24, 1954, an application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing the construction and operation of facilities for the transportation and sale of natural gas as hereinafter described and as more fully described in the application on file with the Commission for public inspection.

Applicant proposes to construct and operate approximately four miles of 2½-inch pipeline in Pinal County, Arizona, extending from a point on its 6½-inch San Manuel line to a point near the contiguous towns of Mammoth and New Mammoth, Arizona, together with metering and regulating equipment, for the delivery and sale of natural gas to Arizona Public Service Company for resale within and adjacent to the towns of Mammoth and New Mammoth.

Applicant has requested that its application be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure.

The Commission finds:

(1) It is appropriate in the public interest in carrying out the provisions of the Natural Gas Act that due notice of the application, including publication in the FEDERAL REGISTER, be given as hereinafter ordered.

(2) It is appropriate in the public interest in carrying out the provisions of the Natural Gas Act, and good cause exists, that the application filed herein on August 24, 1954, should be set down for public hearing as hereinafter provided and ordered.

The Commission orders:

(A) Due notice be given, including publication in the FEDERAL REGISTER, of this notice of application and order.

(b) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on September 27, 1954, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the application: *Provided, however*, That the Commission may,

after a noncontested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(C) Protests or petitions to intervene may be filed with the Commission in accordance with its rules of practice and procedure, §§ 1.8 and 1.10 (18 CFR 1.8 and 1.10) on or before September 24, 1954.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f))

Adopted: September 10, 1954.

Issued: September 13, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 54-7293; Filed, Sept. 16, 1954;  
8:48 a. m.]

[Docket No. G-2574]

TRUNKLINE GAS CO.

NOTICE OF APPLICATION AND ORDER FIXING  
DATE OF HEARING

Trunkline Gas Company (Applicant), a Delaware corporation with its principal office at Houston, Texas, filed, on August 25, 1954, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing it to sell up to 2,000 Mcf per day of natural gas to Southeastern Illinois Gas Company (Southeastern) for gas service at Metropolis, Illinois. No additional facilities are to be constructed.

Applicant states that Southeastern has advised that the contract demand of 1,500 Mcf provided for in the order of the Commission in Docket No. G-382, dated May 4, 1950, and contained in the service agreement between Applicant and Southeastern, is inadequate to take care of the needs of its customers in Metropolis. This being due primarily to a recent increase in population in Metropolis caused by a new Atomic Energy Commission (AEC) plant which has been built at Paducah, Kentucky (which is just across the river from Metropolis, Illinois).

Applicant has requested that its application be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

The Commission finds:

(1) It is appropriate and in the public interest, and good cause exists, that due notice of this application, including publication in the FEDERAL REGISTER, be given as hereinafter ordered.

(2) It is appropriate and in the public interest in carrying out the provisions of the Natural Gas Act, and good cause exists, that the application filed herein on August 25, 1954, should be set down for public hearing as hereinafter provided and ordered.

The Commission orders:

(A) Due notice be given, including publication in the FEDERAL REGISTER, of this notice of application and order.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on October 8, 1954, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the application: *Provided, however*, That the Commission may, after a non-contested hearing, forthwith dispose of the proceedings, pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(C) Protests or petitions to intervene may be filed with the Federal Power Commission, in accordance with the rules of practice and procedure, §§ 1.8 and 1.10 (18 CFR 1.8 and 1.10), on or before September 30, 1954.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.37 (f))

Adopted: September 10, 1954.

Issued: September 13, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 54-7294; Filed, Sept. 16, 1954;  
8:49 a. m.]

[Docket No. G-2720]

COLORADO-WYOMING GAS CO.

ORDER SUSPENDING REVISED TARIFF SHEET  
AND PROVIDING FOR HEARING

On August 17, 1954, Colorado-Wyoming Gas Company (Colorado-Wyoming), tendered for filing, pursuant to section 4 of the Natural Gas Act Fourth Revised Sheet No. 4 (superseding Third Revised Sheet No. 4) of Colorado-Wyoming's FPC Gas Tariff, Original Volume No. 1, proposed to take effect on September 11, 1954.

By said filing, Colorado-Wyoming proposes an annual increase in the rates and charges for gas sold for resale subject to the jurisdiction of the Commission, of approximately \$1,147,000 or 35 percent, based on the year ended June 30, 1954, as adjusted. The proposed increase is in addition to the rates in effect subject to refund under certain conditions in Docket No. G-2261.

The proposed increase is based in most part on the increased rates proposed by Colorado Interstate Gas Company, which rate filing was suspended until February 1, 1955, by order issued August 26, 1954, in Docket No. G-2576. Colorado-Wyoming purchases more than 99 percent of its total natural gas requirements from Colorado Interstate and the costs of such purchased gas comprise the major portion of Colorado-Wyoming's total costs of service.

Accordingly, Colorado-Wyoming's proposed increase may be unjust, unreasonable, unduly discriminatory or preferential and may place an undue burden upon ultimate consumers of natural gas.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing, pursuant to section 4 of the Act, concerning the lawfulness of the rates, charges, classifications and services of Colorado-Wyoming's FPC Gas Tariff, Original Volume No. 1, as proposed to be amended by Fourth Revised Sheet No. 4, and that said tariff sheet be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act, a public hearing be held upon a date to be fixed by further order of the Commission, concerning the lawfulness of the rates, charges, classifications and services contained in Colorado-Wyoming's FPC Gas Tariff, Original Volume No. 1, as proposed to be amended by Fourth Revised Sheet No. 4.

(B) Pending such hearing and decision thereon, Fourth Revised Sheet No. 4 be and the same is hereby suspended, and its use deferred until February 1, 1955, and until such further time as said tariff sheet may be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: September 10, 1954.

Issued: September 13, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 54-7295; Filed, Sept. 16, 1954;  
8:49 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 812-577]

ISRAEL ENTERPRISES, INC.

NOTICE OF FILING OF APPLICATION REQUESTING  
ORDER EXEMPTING CERTAIN TRANS-  
ACTION BETWEEN AFFILIATES

SEPTEMBER 9, 1954.

Notice is hereby given that Israel Enterprises, Inc. ("IEI") a registered closed-end, nondiversified investment company, has filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 ("act") requesting an order exempting from the provisions of section 17 (a) of the act a proposed transaction to be entered into with Fertilizers & Chemicals, Ltd. ("F & C") a corporation organized under the laws of Israel and doing business at Haifa, Israel, under which IEI would lend to F & C the sum of 900,000 Israeli pounds (£) under

terms and subject to certain provisions hereinafter summarized.

IEI was incorporated under the laws of Delaware on August 5, 1953, for the purpose of making investments in Israeli enterprises. The initiative in organizing the company was taken by Palestine Economic Corporation ("PEC"), an American company which has been active for over 25 years in the economic development of Palestine and Israel. The authorized capital of IEI consists of 20,000 shares of common stock of \$100 par value, and the company recently offered for sale to the public approximately 18,800 shares of such common stock at par value.

F & C is a corporation incorporated under the laws of the State of Israel. It was organized in 1946 and has been engaged in active business since 1949. At the present time it is the largest fertilizer and chemical enterprise in that country. The Government of Israel has a substantial interest in F & C and is that company's largest creditor and stockholder.

The proposed loan is to be evidenced by promissory notes bearing interest at the rate of 6 percent per annum, and is to be repaid in 10 consecutive semi-annual installments, commencing April 15, 1956, and concluding October 15, 1960. The loan will be secured by a "floating charge" on certain assets of F & C, and will be a first lien on the proceeds on export sales of F & C products. Interest on the loan is to be paid in dollars. IEI will obtain funds for the loan by redeeming \$500,000 face-amount of Israel Independence Bonds now held by IEI, and an agreement has been reached with the Government of Israel to make such redemption at this time, for the purpose of this proposed transaction, at the rate of \$1.80 for each \$1 par value of bonds. Under the terms of the loan the lender receives the option to convert, at par, the whole or any part of the loan at any time outstanding into ordinary shares of F & C.

In connection with the proposed transaction an export company is to be organized by F & C and PEC, and the export company will be appointed exclusive selling agent of F & C products in foreign markets. The capital of the export company is fixed at \$20,000 (or its foreign exchange equivalent) of which PEC will be entitled to subscribe to one-half (\$10,000 or equivalent) IEI to one-quarter (\$5,000 or equivalent) and F & C to one-quarter (\$5,000 or equivalent). The export company will receive a commission equal to 5 percent of the loan made by IEI to F & C and 5 percent of a \$1,000,000 loan proposed to be made contemporaneously by PEC to F & C. If the export company is formed prior to consummation of the proposed transactions, IEI and PEC reserve the right to make their respective loans to the export company which in turn will make the equivalent loans to F & C.

PEC, the organizer and promoter of IEI, owns and controls, through subsidiaries, 6.1 percent of the total voting

shares of F & C. Accordingly, under section 2 (a) (3) of the act F & C is an affiliated person of PEC. Section 17 (a) of the act, among other things, prohibits an affiliated person (F & C) of a promoter (PEC) of a registered investment company (IEI) from selling any security to such registered company or from borrowing money from such registered company subject to certain exceptions not here material, unless the Commission, upon application pursuant to section 17 (b) of the act, grants an exemption from the provisions of section 17 (a). Under the terms of section 17 (b) an exemption shall be granted by the Commission if evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the act, and that the proposed transaction is consistent with the general purposes of the act. Applicant has requested that the Commission issue an order exempting the transaction from the provisions of section 17 (a) pursuant to an order under section 17 (b) of the act.

Applicant has represented that the terms of the proposed transaction are reasonable and fair, and that in the judgment of the Applicant's management the loan will be in furtherance of its basic purpose to assist in the economic expansion of Israel's industry. The Application also represents that the loan is on a basis no less favorable than that offered to any other person, and does not involve overreaching on the part of any person concerned. The Applicant has represented that the Government of Israel is substantially interested in the enterprises conducted by F & C and has urged the consummation of the proposed transaction and taken steps to facilitate it.

Notice is further given that any interested person may, not later than September 23, 1954, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 54-7280; Filed, Sept. 16, 1954;  
8:46 a. m.]

## INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 29679]

SHELLED PEANUTS FROM OKLAHOMA TO  
TEXAS

APPLICATION FOR RELIEF

SEPTEMBER 13, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Peanuts, shelled, carloads.

From: Points in Oklahoma.

To: Points in Texas.

Grounds for relief: Rail competition, circuitry, and rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4025, supp. 49.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

GEORGE W. LAIRD,  
Secretary.

[F. R. Doc. 54-7259; Filed, Sept. 15, 1954;  
8:49 a. m.]

[4th Sec. Application 29680]

LIQUEFIED CHLORINE GAS FROM TEXAS,  
LOUISIANA AND ARKANSAS TO NATCHEZ,  
MISSISSIPPI

APPLICATION FOR RELIEF

SEPTEMBER 13, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedules listed below.

Commodities involved: Liquefied chlorine gas, in tank-car loads.

From: Corpus Christi, Houston, and Velasco, Tex., Lake Charles and West Lake Charles, La., and Baldwin, Ark.

To: Natchez, Miss.

Grounds for relief: Competition with rail carriers, and market competition.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3967, supp. 377; F. C. Kratzmeir, Agent, I. C. C. No. 3908, supp. 204; F. C. Kratzmeir, Agent, I. C. C. No. 4087, supp. 28.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,  
Secretary.

[F. R. Doc. 54-7260; Filed, Sept. 15, 1954;  
8:49 a. m.]

[4th Sec. Application 29681]

PERLITE MIX FROM SOCORRO, N. MEX., TO  
CERTAIN STATES

APPLICATION FOR RELIEF

SEPTEMBER 13, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Perlite mix, carloads.

From: Socorro, N. Mex.

To: Points in Arkansas, Kansas, Louisiana, Missouri, Oklahoma, and Texas.

Grounds for relief: Rail competition, circuitry, grouping, and rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4123.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed

within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,  
Secretary.

[F. R. Doc. 54-7261; Filed, Sept. 15, 1954;  
8:49 a. m.]

[4th Sec. Application 29682]

CATALOGUES FROM CHICAGO, ILL., TO  
MISSOURI RIVER CITIES

APPLICATION FOR RELIEF

SEPTEMBER 14, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for carriers parties to schedule listed below.

Commodities involved: Catalogues, carloads.

From: Chicago, Ill., and points taking same rates.

To: Kansas City, Mo.-Kans., Council Bluffs, Iowa, Omaha, Nebr., and St. Joseph, Mo.

Grounds for relief: Rail competition, circuitry, and change in minimum carload weight.

Schedules filed containing proposed rates: W. J. Prueter, Agent, I. C. C. No. A-4038, supp. 12.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,  
Secretary.

[F. R. Doc. 54-7281; Filed, Sept. 16, 1954;  
8:46 a. m.]

[4th Sec. Application 29633]

VARIOUS COMMODITIES FROM POINTS IN  
MICHIGAN TO NEW ENGLAND TERRITORY  
AND BETWEEN POINTS IN WESTERN  
TRUNK-LINE TERRITORY

APPLICATION FOR RELIEF

SEPTEMBER 14, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for carriers parties to his tariffs I. C. C. Nos. A-3910 and other tariffs, pursuant to fourth-section order No. 17220.

Commodities involved: Various commodities.

From: Points in Michigan to points in New England territory, and between certain points in western trunk-line territory.

Grounds for relief: Rail competition, and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,  
Secretary.

[F. R. Doc. 54-7232; Filed, Sept. 16, 1954;  
8:46 a. m.]

[4th Sec. Application 29634]

LATEX FROM EAST COAST POINTS TO CHAT-  
TANOOGA, TENN., AND GREENVILLE, MISS.

APPLICATION FOR RELIEF

SEPTEMBER 14, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Eoin and C. R. Goldrich, Agents, for carriers parties to schedules listed below.

Commodities involved: Latex (liquid crude rubber) carloads and tank-car loads.

From: Boston, Mass., New York, N.Y., Philadelphia, Pa., Baltimore, Md., Brooklyn, N. Y., and Naugatuck, Conn.

To: Chattanooga, Tenn., and Greenville, Miss.

Grounds for relief: Rail competition, circuitry, rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. W. Eoin, Agent, I. C. C. No. A-968, supp. 47; C. R. Goldrich, Agent, I. C. C. No. 610, supp. 42.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to



take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,  
*Secretary.*

[F. R. Doc. 54-7283; Filed, Sept. 16, 1954;  
8:46 a. m.]

[4th Sec. Application 29685]

**EXPORT CLASS AND COMMODITY RATES  
FROM LELAND, N. C., TO POINTS IN CENTRAL TERRITORY**

**APPLICATION FOR RELIEF**

SEPTEMBER 14, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Agent, for carriers parties to schedule listed below.  
Commodities involved: Export class and commodity rates.

From: Leland, N. C.

To: Points in central territory.

Grounds for relief: Rail competition, circuitry, grouping, and to maintain port rate relations.

Schedules filed containing proposed rates: H. R. Hinsch, Agent, I. C. C. No. 4058, supp. 114.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,  
*Secretary.*

[F. R. Doc. 54-7284; Filed, Sept. 16, 1954;  
8:47 a. m.]

[4th Sec. Application 29686]

**MAGAZINES AND PERIODICALS FROM LOUISVILLE, KY., TO KANSAS CITY, KANS.**

**APPLICATION FOR RELIEF**

SEPTEMBER 14, 1954.

The Commission is in receipt of the above-entitled and numbered applica-

tion for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Agent, for carriers parties to schedule listed below.

Commodities involved: Magazines or periodicals, magazine parts and newspaper supplements, carloads.

From: Louisville, Ky.

To: Kansas City Kans.

Grounds for relief: Rail competition, circuitry, and market competition.

Schedules filed containing proposed rates: H. R. Hinsch, Agent, I. C. C. No. 4238, supp. 109.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,  
*Secretary.*

[F. R. Doc. 54-7285; Filed, Sept. 16, 1954;  
8:47 a. m.]

[4th Sec. Application 29687]

**CLAY, KAOLIN OR PYROPHYLLITE FROM SOUTHERN PRODUCING POINTS TO FLORIDA AND TENNESSEE**

**APPLICATION FOR RELIEF**

SEPTEMBER 14, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Clay, kaolin or pyrophyllite, carloads.

From: Producing points in Alabama, Florida, Georgia, North Carolina, and South Carolina.

To: Cottdale, Fla., Woodstock, Tenn., and Etowah, Tenn.

Grounds for relief: Rail competition, circuitry, market competition, grouping, and rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1323, supp. 60.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from

the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,  
*Secretary.*

[F. R. Doc. 54-7286; Filed, Sept. 16, 1954;  
8:47 a. m.]

[4th Sec. Application 29688]

**ALCOHOLS AND RELATED ARTICLES FROM KINGS MILL, TEX., TO THE SOUTH**

**APPLICATION FOR RELIEF**

SEPTEMBER 14, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.  
Commodities involved: Alcohols and related articles, carloads.

From: Kings Mill, Tex.

To: Points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

Grounds for relief: Rail competition, circuitry, and market competition.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4094, supp. 10.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,  
*Secretary.*

[F. R. Doc. 54-7287; Filed, Sept. 16, 1954;  
8:47 a. m.]

[4th Sec. Application 29689]

PULPBOARD AND FIBREBOARD FROM EVADALE, TEX. TO MEMPHIS, TENN., NATCHEZ AND VICKSBURG, MISS.

APPLICATION FOR RELIEF

SEPTEMBER 14, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Pulpboard and fibreboard, carloads.

From: Evadale, Tex.

To: Memphis, Tenn., Natchez and Vicksburg, Miss.

Grounds for relief: Rail competition, circuitry, and market competition.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4063, supp. 56.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing,

upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]-

GEORGE W. LAIRD,  
Secretary.

[F. R. Doc. 54-7288; Filed, Sept. 16, 1954; 8:47 a. m.]

[Rev. S. O. 562, Taylor's I. C. C. Order 46]

BANGOR AND AROOSTOOK RAILROAD CO.

REROUTING OR DIVERSION OF TRAFFIC

In the opinion of Charles W. Taylor, Agent, the Bangor and Aroostook Railroad Company, because of numerous washouts, due to a hurricane, is unable to transport certain traffic routed over its line: *It is ordered*, That

(a) Rerouting traffic: The Bangor and Aroostook Railroad Company, being unable to transport certain traffic, because of numerous washouts, due to a hurricane, is hereby authorized to divert or reroute such traffic over any available route to expedite the movement regardless of routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: The carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date*: This order shall become effective at 12:01 p. m., September 13, 1954.

(g) *Expiration date*: This order shall expire at 11:59 p. m., September 23, 1954, unless otherwise modified, changed, suspended or annulled.

*It is further ordered*, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., September 13, 1954.

INTERSTATE COMMERCE  
COMMISSION,  
CHARLES W. TAYLOR,  
Agent.

[F. R. Doc. 54-7303; Filed, Sep<sup>r</sup> 16, 1954; 8:50 a. m.]

